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To: Examiner Alonzo Chambliss	Total Pages Sent: 3
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Facsimile Number: (571) 273-8300	Transmission Date: August 12, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wu Docket No.: TSM03-0664
Serial No: 10/811,405 Art Unit: 2814
Date Filed: March 26, 2004
Title: Electrical Fuse For Silicon-On-Insulator Devices

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- Election (2 pages)

Respectfully submitted,



Kristin Hayes
Legal Assistant

Confirmation Respectfully Requested

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Applicant: Wu Docket No.: TSM03-0664 AUG 12 2005
Serial No.: 10/811,405 Art Unit: 2814
Filed: March 26, 2004 Examiner: Chambliss, Alonzo
For: Electrical Fuse for Silicon-On-Insulator Devices

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ELECTION

Dear Sir:

Claims 1-21 are pending in the present application. No new matter has been added.

The Office Action asserts that a restriction is required to one of the following inventions under 35 U.S.C. § 121:

Invention I: Claims 1-12, drawn to a method for forming dual gate oxides, classified in class 432, subclass 215; and

Invention II: Claims 13-21, drawn to an ion implantation method, classified in class 257, subclass 529.

The Office Action further states that "[b]ecause these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for the examination purposes as indicated is proper." As explained below, this is simply not correct.

For a restriction to be proper, the MPEP states that two criteria must be met.

There are two criteria for a *proper* requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(i));
and

(B) There *must* be a *serious* burden on the examiner if restriction is required (see MPEP § 803.02, § 806.04(a) -§ 806.04(i), § 808.01(a), and § 808.02).

(MPEP § 803, 8th Edition, 2nd Revision, May 2004.) (Emphasis added.)

"If the search and examination of an entire application *can be made without serious burden*, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions." (MPEP § 803, 8th Edition, 2nd Revision, May 2004.) (Emphasis added.)


In this case, both inventions identified by the Examiner involve an electrical fuse for silicon-on-insulator devices. As such, a similar search *must be made* for both inventions to be a complete and thorough search. In other words, to search for one invention is necessarily similar to a search for the other invention.

As a result, the burden on the Examiner can hardly be considered a "serious burden" as required by the MPEP, and accordingly, Applicants respectfully request that the restriction requirement between Inventions I and II be reconsidered and withdrawn, allowing the prosecution to continue on all pending claims 1-21.

In the alternative, Applicants hereby elect Invention I, corresponding to claims 1-12, with traverse, and withdraw claims 13-21 from consideration.

Respectfully submitted,

8-12-05
Date



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